

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq.; the "Act") and Hawaii Revised Statutes, Chapter 342D, and Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55, Department of Health (DOH), State of Hawaii,

KONA HALE ALI'I, LLC

(hereinafter PERMITTEE),

is authorized to discharge storm water associated with the construction activities at the project site located at 75-216 Hualalai Road, Kailua-Kona, Island of Hawaii, Hawaii; to State waters in accordance with the general requirements, discharge monitoring requirements and other conditions set forth herein, and in the attached DOH "Standard NPDES Permit Conditions," dated December 30, 2005, to the Pacific Ocean (One Bay), Class AA Marine Waters with the discharge point coordinates at: Latitude 19°38'6" N and Longitude 155°59'26" W.

All references to Title 40 of the Code of Federal Regulations (CFR) are to regulations that are in effect on July 1, 2004, except as otherwise specified. Unless otherwise specified herein, all terms are defined as provided in the applicable regulations in Title 40 of the CFR.

This permit will become effective _____.

This permit and the authorization to discharge will expire at midnight, **December 1, 2010**.

Signed this ____ day of _____, 2006.

(For) Director of Health

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A. GENERAL REQUIREMENTS

The Permittee shall:

1. Comply with all materials submitted in and with the application, dated April 26, 2006, and additional submittals, dated May 18, 2006, June 1, 2006 and June 19, 2006.
2. Retain a copy of this permit and other related materials at the job site or at a nearby field office.
3. Design, operate, implement, and maintain the project site-specific Best Management Practices Plan (BMPs) to ensure that storm water discharges associated with construction activities will not cause or contribute to a violation of applicable state water quality standards.
4. Implement the project site BMPs Plan as often as needed to improve the quality of storm water discharges or when instructed by the Director of Health (Director).
5. Not cause or contribute to a violation of the basic water quality criteria as specified in HAR, Chapter 11-54, Section 11-54-04.
6. Submit the following to the Clean Water Branch (CWB) at least 30 days prior to the start of construction activities:
 - a. Section 5.c.iii - A copy of the permit, license or equivalent written approval granted by the owner of the drainage system, allowing the subject discharge to enter their drainage system.
 - b. Section 13.b.v - The county-approved Erosion and Sediment Control Plan and/or county-approved grading permit.
 - c. Section 13.b.vi - The updated construction schedule.
7. Immediately stop, reduce, or modify construction, or implement new or revised best management practices as needed to stop or prevent a violation of the basic water quality criteria as specified in HAR, Chapter 11-54, Section 11-54-04.
8. Inspect, at a minimum of once per week, the receiving state waters, storm water runoff and control measures and best management practices to detect violations of and conditions which may cause or contribute to a violation of the basic water quality criteria as specified in HAR, Chapter 11-54, Section 11-54-04. (e.g., the permittee shall look at storm water discharges and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce taste in the water or detectable off-flavor in fish, and inspect for items that may be toxic or harmful to human or other life.)

9. Review the effectiveness and adequacy of the implemented site-specific BMPs Plan(s) and Sediment and Erosion Control Plan(s) at a minimum of once per week, and update the plan as often as necessary. Any changes(s) to the site-specific BMPs Plans and/or Sediment and Erosion Control Plans or correction(s) to information already on file with the DOH shall be submitted to the CWB as such change(s) or correction(s) arises.
10. Submit signed copies of all reports required by this permit to the Director at the following address or as otherwise specified:

Director of Health
Clean Water Branch
Environmental Management Division
Department of Health
P.O. Box 3378
Honolulu, HI 96801-3378

11. Include the following certification statement and signature on each submittal in accordance with HAR, Chapter 11-55, Section 11-55-07(b):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

Include the NPDES permit number on each submittal. Failure to provide the assigned NPDES permit number for this facility on future correspondence or submittals may be a basis for delay of the processing of the document(s).

12. Submit any changes to information on file with the DOH as soon as changes arise.

B. REPORTING REQUIREMENTS

The Permittee shall:

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1. Complete and submit the enclosed Solid Waste Disclosure Form for Construction Sites to the Office of Solid Waste Management as specified on the form.
2. Submit any changes to information on file with the CWB as soon as changes arise. The Permittee shall properly address all related concerns and/or comments to the DOH's satisfaction.
3. Immediately notify the Director of the incident and identify the pollutant(s) source(s) and the proposed and implemented control or mitigative measures as required in Section 16 of DOH "Standard NPDES Permit Conditions," dated December 30, 2005.
4. Notify the CWB upon termination of the discharge activities.

C. BEST MANAGEMENT PRACTICES

1. The Permittee shall:
 - a. Refrain from performing any work during heavy rainstorms.
 - b. Prevent loose particles, sand, soil, silt, and other construction debris at the construction site from being washed away by storm water runoff to the various swales and drainage ways and eventually to the State waters.
 - c. Remove excavated materials as soon as possible or at the end of each work day. The excavated materials shall be disposed of to a State and/or County approved landfill site.
 - d. Not discharge water used for dust control and irrigation to State waters.
 - e. Not discharge hydortesting/disinfectant water to State waters unless a separate NPDES Permit to discharge to State waters is obtained prior to the discharge.
 - f. Not discharge dewatering effluent to State waters unless a separate NPDES Permit to discharge to State waters is obtained prior to the discharge.
 - g. Not discharge concrete curing water to State waters.
 - h. Not stockpile materials on-site without BMPs.
 - i. Wash-down vehicles and/or equipment and concrete truck drums only at designated areas, as shown on the Storm Water Pollution Prevention Plan, and not discharge the wash waters to State waters.
 - j. Assure that the implemented BMPs are effective and the discharge effluent is in compliance with the basic State Water Quality Standards.
2. The following special conditions apply to all land disturbance work conducted under this permit:
 - a. Construction Management Techniques
 - (1) Clearing and grubbing shall be held to the minimum necessary for grading and equipment operation.

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- (2) Construction shall be sequenced to minimize the exposure time of the cleared surface area.
 - (3) Construction shall be staged or phased for large projects. Areas of one (1) phase shall be stabilized before another phase is initiated. Stabilization shall be accomplished by temporarily or permanently protecting the disturbed soil surface from rainfall impacts and runoff.
 - (4) Erosion and Sediment Control Measures shall be in place and functional before earth moving operations begin. These measures shall be properly constructed and maintained throughout the term of the project.
 - (5) All control measures shall be checked and repaired as necessary, for example, weekly in dry periods and within 24 hours after any rainfall of 0.5 inches or greater within a 24-hour period. During prolonged rainfall, daily checking is necessary. The permittee shall maintain records of checks and repairs.
 - (6) The permittee shall maintain records of the duration and estimated volume of storm water discharge(s).
 - (7) A specific individual shall be designated to be responsible for Erosion and Sediment Controls on each project site.
- b. Vegetation Controls
- (1) Pre-construction vegetative ground cover shall not be destroyed, removed, or disturbed more than 20 calendar days prior to land disturbance.
 - (2) Temporary soil stabilization with appropriate vegetation shall be applied on areas that will remain unfinished for more than 30 calendar days.
 - (3) Permanent soil stabilization with perennial vegetation or pavement shall be applied as soon as practical after final grading. Irrigation and maintenance of the perennial vegetation shall be provided for 30 calendar days or until the vegetation takes root, whichever is shorter.
- c. Structural Controls
- (1) Storm water flowing toward the project area shall be diverted by using appropriate control measures, as practical.
 - (2) Erosion Control Measures shall be designed according to the size of disturbed or drainage areas to detain runoff and trap sediment.

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- (3) Water must be discharged in a manner that the discharge shall not cause or contribute to a violation of the basic water quality criteria as specified in HAR, Chapter 11-54, Section 11-54-04.

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D. MAPS

